



2014-081

STATE OF ALABAMA  
OFFICE OF THE ATTORNEY GENERAL

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Counsel, Mobile County Communications District  
Burr and Forman  
Suite 22200  
11 North Water Street  
Mobile, Alabama 36602

Emergency Management Communications –  
Districts – Training Programs –  
Employees, Employers, Employment –  
Insurance - Benefits

The Mobile County Communications District is authorized, pursuant to sections 11-98-4 and 11-98-6 of the Code of Alabama, to pay for training programs and for tuition assistance for employees.

The Mobile County Communications District is authorized to pay the health insurance premiums for retired employees and their dependents pursuant to sections 11-98-4, 11-98-6, and 36-29-14(d) of the Code.

Dear Mr. Wasden:

This opinion of the Attorney General is issued in response to your request on behalf of the Mobile County Communications District.

QUESTIONS

Is the Mobile County Communications District authorized, pursuant to sections 11-98-4 and 11-98-6 of the Code, to pay for training programs and partial tuition reimbursement for employees?

May the Mobile County Communications District  
pay the health insurance premium for retired employees  
and their dependents?

FACTS AND ANALYSIS

In your letter of request, you informed this Office that the Mobile County Communications District ("District") employs 33 employees pursuant to sections 11-98-1 through 11-98-15 of the Code. These employees perform a variety of administrative, technical, and front-line emergency call-taker functions. You note that the District's spending authority in overseeing these employees, although broadly expressed in the applicable statutes, does not specifically address the District's role or authority as an employer to expend funds to pay for the accompanying administrative costs associated with the training, course work for the various job performance requirements, and benefits for retired personnel.

In your request, you stated that District employees attend training courses, refresher training, and postsecondary seminars and courses that are directly related to their current job function. These training programs are integral to the recruitment, training, and retention of personnel. Your particular inquiry questions whether the costs of such training falls within the scope of administrative and operational costs as described in sections section 11-98-4 and 11-98-6 of the Code.

Section 11-98-4 of the Code states, in pertinent part, as follows:

(f) In addition to other authority and powers necessary to establish, operate, maintain, and replace an emergency communication system, the board of commissioners shall have the following authority:

...

(3) To construct, enlarge, equip, improve, maintain, and operate all aspects of an emergency communication system consistent with subsection (a) of Section 11-98-6.

Section 11-98-6(a) states as follows:

(a) Funds received by a district pursuant to Section 11-98-5.2 shall be used to establish, operate, maintain, and replace an emergency communication system that, *without limitation, may consist of the following*:

(1) Telephone communications equipment to be used in answering, transferring, and dispatching public emergency telephone calls originated by persons within the service area who dial 911.

(2) Emergency radio communications equipment and facilities necessary to transmit and receive dispatch calls.

(3) The engineering, installation, *and recurring costs necessary to implement, operate, and maintain an emergency communication system.*

(4) Facilities to house E-911 operators and related services as defined in this chapter, with the approval of the creating authority, and for necessary emergency and uninterruptable power supplies for the systems.

(5) *Administrative and other costs* related to subdivisions (1) to (4), inclusive.

ALA. CODE § 11-98-6(a) (emphasis added) (Supp. 2013).

Previously, this Office determined that section 11-98-6(a)(3) of the Code authorizes an E-911 board to use the funds received from the statewide 911 charges for recurring costs such as personnel salaries. Opinion to Honorable Jay Murrill, Attorney, Jefferson County 9-1-1 Emergency Communications District, dated January 14, 2014, A.G. No. 2014-039 at 4. Your question is whether such funds may also be used to pay for the training sessions or postsecondary course work that is related to an employee's position.

In an opinion to Honorable Steve Swafford, this Office determined that the costs associated with training emergency dispatchers was a cost incidental to the maintenance operation of an emergency management district. Opinion to

Honorable Steve Swafford, County Executive Officer, Cleburne County Commission, dated March 13, 2008, A.G. No. 2008-057 at 5-6. *See also*, opinion to Honorable Philip Henry Pitts, Selma City Attorney, dated October 8, 1987, A.G. No. 88-00012 at 3 (stating that the training of employees is an implied authority incidental to the authority to hire).

The provision of postsecondary course work, as described in your request, may exceed the typical notion of a training course and may more appropriately be considered a tuition-assistance program. Nonetheless, this Office has determined that a state agency may pay for job-related courses taken by employees of that agency where such courses would improve the quality of the services rendered by such employees. Opinion to Mr. Billy Joe Camp, President, Alabama Public Service Commission, dated February 10, 1982, A.G. No. 82-00183 at 2. The District must make a determination that a public purpose would be served based upon the facts related to the employee and the specific training. *See* opinion to Honorable James E. Turnbach, Attorney, City of Rainbow City, dated May 14, 2014, A.G. No. 2014-057, *citing* opinion to Honorable Bradley Byrne, Member, Alabama State Senate, dated June 28, 2004, A.G. No. 2004-169.

Next, you question whether the District is authorized, under sections 11-98-4 and 11-98-6 of the Code, to provide continuing participation in the District's group health insurance plan to retired employees and their dependents, with the District continuing to provide the same amount of funding to the retiree as is provided for current employees. In a subsequent conversation, you informed this Office that the District participates in the Local Government Health Insurance Program. Such program is authorized pursuant to section 36-29-14 of the Code. Section 36-29-14(d) specifically authorizes the employer to pay any portion of the costs associated with the insurance coverage for employees, officers, members, and retirees and their dependants. ALA. CODE § 36-29-14(d) (2013).

Nothing in either section 11-98-4 or section 11-98-6 expressly or impliedly prohibits the District from providing continued insurance coverage to retirees and their dependants. Moreover, the provision of continued health insurance benefits to retired employees and dependents may be a cost associated with the administration of the District. Accordingly, it is the opinion of this Office that the Mobile County Communications District may pay the health insurance premiums for retired employees and their dependants.

CONCLUSION

The Mobile County Communications District is authorized, pursuant to sections 11-98-4 and 11-98-6 of the Code, to pay for training programs and tuition assistance for employees.

The Mobile County Communications District is authorized to pay the health insurance premiums for retired employees and their dependents pursuant to sections 11-98-4, 11-98-6, and 36-29-14(d) of the Code.

I hope this opinion answers your questions. If this Office can be of further assistance, please contact Monet Gaines of my staff.

Sincerely,

LUTHER STRANGE  
Attorney General

By:

A handwritten signature in cursive script that reads "Brenda F. Smith".

BRENDA F. SMITH  
Chief, Opinions Division

LS/MMG  
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